

United States District Court  
Central District of California

KERRY LAMONS,  
Plaintiff,

v.  
GLANBIA PERFORMANCE  
NUTRITION (NA), INC. et al.,  
Defendants.

Case № 5:23-cv-00654-ODW (KKx)

**ORDER DENYING MOTION TO  
DISMISS AS MOOT [13]**

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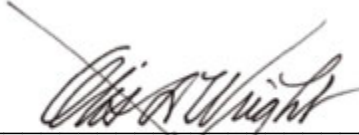
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1 Defendant Glanbia Performance Nutrition (NA), Inc. served Plaintiff Kerry  
2 Lamons with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss in this case  
3 on April 21, 2023. (ECF No. 13.) On May 2, 2023, the Court granted the parties'  
4 stipulation extending Plaintiff's time to file an amended complaint to May 12, 2023.  
5 (ECF No. 17.) On May 12, 2023, Plaintiff filed a First Amended Complaint. (ECF  
6 No. 18.) As Defendant's pending motion to dismiss was based on a complaint that is  
7 no longer operative, the motion is **DENIED** as **MOOT**. *See Ramirez v. Cty. of San*  
8 *Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

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10 **IT IS SO ORDERED.**

11  
12 May 12, 2023

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15 **OTIS D. WRIGHT, II**  
16 **UNITED STATES DISTRICT JUDGE**  
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